

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Date: Tuesday, March 24, 2009

Time: 3:00 pm

Place: Capitol

Room: 405

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

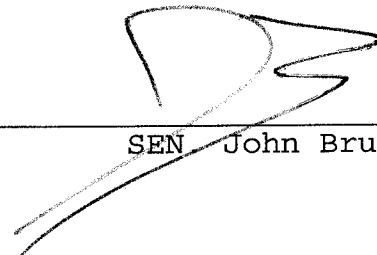
HB 238, HB 380, HB 531, SB 329

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB508 DPAA _____

COMMENTS:



SEN John Brueggeman, Chairman

MONTANA STATE SENATE
Roll Call
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE: 3/24/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOHN BRUEGGEMAN, CHAIRMAN	✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓	
SENATOR GREG HINKLE	✓	
SENATOR JIM KEANE	✓	
SENATOR RICK LAIBLE	✓	
SENATOR JESSE LASLOVICH	✓	
SENATOR DAVID WANZENRIED	✓	
SENATOR JONATHAN WINDY BOY	✓	
SENATOR RYAN ZINKE	✓	



SENATE STANDING COMMITTEE REPORT

March 25, 2009

Page 1 of 6

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 508** (first reading copy -- white) **do pass as amended**.

Signed: _____

Senator John Brueggeman, Chair

And, that such amendments read:

1. Title, page 1, line 22.

Following: "61-3-535,"

Insert: "61-3-562,"

2. Page 2, line 7 through line 8.

Following: "standards" on line 7

Strike: ", with" through "department" on line 8

3. Page 2, line 12 through line 13.

Following: "personnel" on line 12

Strike: "and " through "department" on line 13

Insert: "county treasurers, and authorized agents under the provisions of 61-3-116"

4. Page 2, line 15 through line 16.

Following: "(e)" on line 15

Strike: "include" through "department" on line 16

Insert: "receive insurance data file transfers from insurers under specifications and standards set forth in subsection (3)(a) to identify vehicles that are not covered by an insurance policy"

5. Page 2, line 22.

Following: "week,"

Insert: "subject to reasonable allowances for scheduled maintenance or temporary system failures,"

Committee Vote:

Yes 6, No 3

Fiscal Note Required __

SB0508001SC.sdr

DR

6. Page 2, line 24.

Following: "period"

Insert: "of not less than 6 months"

7. Page 2, line 28.

Following: "coverage for"

Insert: ": (a) "

8. Page 2, line 29.

Following: the first "in this state"

Insert: "; and (b) if available, for a vehicle that is insured by that company"

Following: the second "in this state"

Insert: "and that is the subject of an accident investigation"

9. Page 3, line 5 through line 6.

Following: the first "vehicle" on line 5

Strike: ", an operator" through "or" on line 6

10. Page 3, line 8.

Following: "(2) "

Strike: "The"

Insert: "(a) Except as provided in subsection (2)(b), the"

11. Page 3, line 11.

Insert: "(b) Subsection (2)(a) does not apply if the vehicle is:

(i) covered under a commercial automobile insurance coverage policy;

(ii) part of a self-insured fleet as provided in 61-6-143;
or

(iii) included in an insurance binder, as allowed by 33-15-411, that has not been entered into the system.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law, a peace officer may not use the verification system to stop a driver for operating a motor vehicle in violation of 61-6-301."

12. Page 4, line 4.

Following: the second "account"

Strike: "in the enterprise"

Insert: "of the internal service"

13. Page 14, line 22.

Following: "\$237.50;"

Strike: "and"

14. Page 14, line 23.

Following: "(ii) "

Insert: "unless a new set of licenses plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under [section 3]; and (iii)"

15. Page 15, line 23.

Following: "2015,"

Strike: "a"

Insert: "an additional"

16. Page 15, line 27.

Following: "3]"

Insert: ", except \$2 of the fee imposed in subsection (12) (a) must be deposited in the state general fund"

17. Page 18, line 5.

Following: "~~(2)(b)~~"

Strike: "that is permanently registered pursuant to 61-3-562"

Insert: "described in subsection (2) (b) "

18. Page 18, line 7 through line 8.

Following: "registered" on line 7

Strike: "is" through "subsection (3)" on line 8

Insert: "may display the license plate and plate design in effect at the time of registration for the entire period that the light vehicle or motor home is permanently registered"

19. Page 21, line 6.

Following: "[section 3]"

Insert: ", except \$2 of the fee imposed in subsection (1) must be deposited in the state general fund"

20. Page 22, line 1.

Following: "The"

Insert: "amount of \$8 of the"

Following: "[section 3]"

Insert: "and \$2 of the fee must be deposited in the state general fund"

21. Page 22, line 18.

Following: "fee of"

Strike: "\$15"

Insert: "\$20"

22. Page 22, line 20.

Following: "of the"

Strike: "\$15"

Insert: "\$20"

23. Page 22, line 24.

Following: "of the"

Strike: "\$15"

Insert: "\$20"

24. Page 22, line 25.

Following: "[section 3]:"

Insert: "(ii) \$5 of the administrative fee to the state general fund;"

Renumber: subsequent subsections

25. Page 23.

Following: line 17

Insert: "Section 19. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules. (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic specialty license plate under 61-3-480, and an amount equal to five times the local option motor vehicle tax or flat fee on vehicles under 61-3-537 and, if as applicable, when ~~personalized plates under 61-3-406 are being issued or renewed,~~ either:

(i) (A) the original fee and four times the renewal fee for personalized plates; or

~~(ii)(B)~~ (B) five times the renewal fees for personalized plates; or

(ii) if a new set of license plates is not being issued, an insurance verification fee of \$5, which must be deposited in the account established under [section 3].

(b) The following series of license plates may not be used for purposes of permanent registration of a light vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422; and

(iv) collegiate license plates issued under 61-3-465.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a motor vehicle that is permanently registered under this section is not subject to additional registration fees or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall once each month remit to the state the amounts collected under this section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."

Renumber: subsequent sections

26. Page 23, line 25.

Following: "apply:"

Insert: "(1) "Commercial automobile insurance coverage" means any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics, including but not limited to experience rating, schedule rating, loss rating, or deductible rating."

Renumber: subsequent subsections

27. Page 24.

Following: line 6

Insert: "(5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer than 500 vehicles in this state."

Renumber: subsequent subsections

28. Page 27, line 11.

Following: the second "department"

Insert: "that are consistent with specifications and standards of the insurance industry committee on motor vehicle administration and other applicable industry standards"

29. Page 27, line 26 through line 29.

Strike: subsection (e) in its entirety

Renumber: subsequent subsections

30. Page 27, line 30 through page 28, line 1.

Following: "for" on line 30

Strike: "biannual" through "noncompliance" on page 28, line 1

Insert: "periodic insurance data file transfers from insurers under specifications and standards set forth in [section 1]"

to identify vehicles that are not covered by an insurance policy and to monitor ongoing compliance"

31. Page 28, line 2 through line 3.

Following: "for"

Strike: "biannual"

Following: "to"

Strike: "monitor compliance of permanently registered vehicles with mandatory vehicle liability insurance requirements"

Insert: "identify vehicles that are not covered by an insurance policy"

32. Page 28, line 7.

Strike: subsection (a) in its entirety

ReNUMBER: subsequent subsections

33. Page 28, line 19.

Following: "61-6-301."

Insert: "If the card is issued under a commercial automobile insurance policy or a self-insured fleet, the card must indicate the status as "commercially insured" or "fleet"."

- END -

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE _____ BILL NO SB508 MOTION NO. _____

MOTION: Amendments

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE	✓		
SENATOR JESSE LASLOVICH	✓		
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY	✓		
SENATOR RYAN ZINKE	✓		
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

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MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE _____ BILL NO SB 508 MOTION NO. _____

MOTION: Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE	✓		
SENATOR JESSE LASLOVICH	✓		
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY		✓	
SENATOR RYAN ZINKE	✓		
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

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AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Highways & Trans. Committee
because of other commitments. I desire to leave my proxy vote with:

L. PROVICH

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

SB050803.4/m	X	
Remove previous Audits	X	
SB 500 As Amended	X	
Resolution Request	X	

DN

Sen. UNRECORDED
(Signature)

Date 03-24-09

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 3-24-09

Bill No. H.B. 522 **Sponsor(s)** Stan

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Name and Address	Representing	Support	Oppose	Inf.
Sarah Swanson/Glasgow, MT	Farm Equipment Sales	X		
Sen John D. Brenden	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 3-24-09

Bill No. SB 529 **Sponsor(s)** Barkus

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Name and Address	Representing	Support	Oppose	Inf.
Vic ANDERSEN	MT Horse Sanctuary		X	
Ben APPELAND	MT Lions Sight & Hearing		X	
Bob Gilbert	Walleyes Unlimited		X	
MARIE TAYLOR	AMT	with X candidates		
MIKE HARDIS	Gall. County		X	
Ken Mergenthaler	MT Fire Chets		X	
Jim Manning	MDF		X	
Red Lovrec	SEIF		X	
Greg Horsen	State Fair		X	
Jeffrey Lamm	ALA		X	
Proctor Spencer	PLP		X	
Anne GIBBONSON	MNA	X with candidate		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 3-24-09

Bill No. HB 228 **Sponsor(s)** Milliken

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Name and Address	Representing	Support	Oppose	Inf.
Brandi Okeyo	AAA, Helena	✓		
Mariah / Baynesford	Belt School	✓		
Sam / Belt	Belt School	✓		
Jessica / Belt	Belt School	✓		
MIKE REDDICK	Mt Highway Patrol	✓		
Bruce Jones	PCI	✓		
Jacqueline Denmark	AIA	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

Highways & Transportation Committee

Date 3-24-09

Bill No. HB 238 Sponsor(s) Milburn

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 3-24-09

Bill No. HR 531 **Sponsor(s)** Shenoy

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Name and Address	Representing	Support	Oppose	Inf.
Ruben Jacobson	City of Bozeman		X	
Chris Kukulski	"		X	
Tom Jones	City of Bozeman		X	
Rich McLand	"		X	
MARK TYMCAK	" "		X	
Bruce Spencer	PCI		X	
Jessie Warner	BNSF		X	
Rich St. John	City of Billings		X	
Jacqueline Denmark	AIA		X	
John Spencer	PCI		X	
Sam Biley	MACOP		X	
Greg Valleson	State Farm		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.